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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,892	09/05/2003	Yohsuke Kobayashi	242400US3X	6642

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/654,892

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Gregory J. Strimbu

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006 and 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

The drawing correction filed September 1, 2005 has been approved.

***Claim Objections***

Claims 8 and 9 are objected to because the recitation "at least two of said positioning slits" on line 3 of claim 8 is confusing. If one were to read claim 6 as having only one positioning slit then the recitation of two positioning slits in claim 8 would lack antecedent basis. Therefore, claim 8 requires claim 6 to have two slits in order for claim 8 to make sense which negates the option of choosing one or more slits. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1, 3-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "an opening edge of an elevating window" on lines 2-3 of claim 1 render the claims indefinite because it is unclear which edge of the window comprises the "opening" edge. Recitations such as "a side wall" on line 2 of claim 3 render the claims indefinite because it is unclear if the applicant is referring to the wall set forth in claim 1 or is attempting to set forth another wall in addition to the one set forth above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 13, 15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. 06-247143. Japanese Patent Publication No. 06-247143 in figure 3 discloses a vehicle inner belt molding to be fitted along an interior of an opening edge of an elevating window in a vehicle, wherein the vehicle has a door inner panel and a trim board being attached to the door inner panel and having a downward flange portion projecting downwardly from a position that is interior of an outer end of the trim board and that is exterior of an upper-edge flange portion of the door inner panel, the vehicle inner belt molding comprising: a fitting portion 24 to be attached to the door inner panel 20; and a sealing lip 39 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window 21, wherein the fitting portion has an upward opening groove (not numbered, but shown in figure 1) fittable with the downward flange portion 48, wherein the upward opening groove has a projection 46 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, and wherein the fitting portion includes an outer fitting portion (not numbered, but shown in figure 3 on the right hand side) having the upward opening groove and an inner fitting portion (not numbered, but shown in figure 1 on the

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left hand side) having a downward opening groove for receiving the upper-edge flange portion 26 of the door inner panel, the downwardly facing flange portion includes a gripping lip 32, a cloth pressing piece 41, a core member 34, a trim board 25.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 06-247143 as applied to claims 1, 3-5, 13, 15, 17 and 20 above, and further in view of Japanese Patent Publication No. 07-237448. Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 06-247143 with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 06-247143 as applied to claims 1, 3-5, 13, 15, 17

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and 20 above, and further in view of Arata et al. Arata et al. discloses an inner belt molding comprising a fitting portion 4, 8 made of a thermoplastic elastomer material and further comprising sealing lips 11 made of a material which is capable of fusion bonding and is softer and more elastic than the fitting portion.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 06-247143 with a construction, as taught by Arata et al., to increase the strength of the fitting portion on while maintaining the sealing ability of the sealing lips.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 06-247143 as applied to claims 1, 3-5, 13, 15, 17 and 20 above, and further in view of Dupuy et al. Dupuy et al. discloses a projecting holding lip 20 provided on a bottom wall (not numbered, but shown in figure 1) of a mounting groove 10.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 06-247143 with a projecting holding lip, as taught by Dupuy et al., to prevent moisture from passing between the belt molding and the trim board.

### ***Response to Arguments***

Applicant's arguments filed February 7, 2006 have been considered but they are not persuasive. With respect to the applicant's comments concerning Japanese Patent Publication No. 06-247143, the examiner respectfully disagrees. As shown in figure 3,

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the weather strip 22 includes the sealing lip 39 which is formed integrally with the fitting portion 24. Accordingly, the sealing lip 39 is also formed integrally with the exterior side of the fitting portion 24. Finally, the applicant's comments concerning the installing clip are not persuasive because the projection 46 comprises part of the weather strip 22 which extends along the entire length of the vehicle inner belt molding.

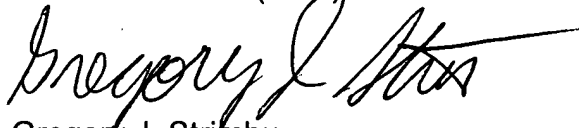
### ***Conclusion***

#### **THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
March 15, 2006